



HB 1004

On My Way Pre-K Pilot Program

Title I Related Guidance for Local Education Agencies (LEAs)

November 2014

Please note that this guidance is not meant to supersede federal regulations regarding Title I, Part A of ESEA nor provide exhaustive guidance regarding Title I, Part A. LEAs will use local and contextual information to inform programming decisions for their students.

General Indiana Title I Preschool Guidance: <http://www.doe.in.gov/titlei/preschool>

IDOE Early Learning Website: <http://www.doe.in.gov/earlylearning>

On My Way Pre-K Pilot Program Website: <http://www.in.gov/fssa/4899.htm>

How can On My Way Pre-K Funds be used in conjunction with Title I?

USED Non-Regulatory Guidance – F-3

- In addition to supporting preschool children participating in a Title I preschool program, **an LEA or school may use Title I funds to complement or extend** Head Start programs, Child Care, State-funded preschool programs (*e.g., On My Way Pre-K*), or other community-based early learning programs for at-risk children.
- Reminder – ALL Title I requirements apply to the use of Title I funds.
- Eligibility for *On My Way Pre-K* funding is based on the income levels of parents. Children eligible for Title I might not qualify for *On My Way Pre-K* funding under the income requirement.
- If they do not, Title I funds may be used to provide services to Title I-eligible children who are not eligible for *On My Way Pre-K* services.
- *On My Way Pre-K* might be unable to serve all eligible children. Title I funds may be used to serve children who are eligible for but not served by *On My Way Pre-K* funding, and are ALSO eligible for Title I.
- Note that some *On My Way Pre-K*-eligible children might not be eligible for Title I because they are not most at risk of failing to meet the State's standards.
- Title I funds can be used to serve eligible students. If some students are also eligible for *On My Way Pre-K* funding, the LEA or school could opt for:
 - Extending the daily program for an additional amount time
 - Increasing the number of days in the program
 - Increasing the quality of the program
 - Providing services at times *On My Way Pre-K* programming is not operating
 - Enriching services through the provision of extra personnel to work with Title I-eligible children
 - Additional seats for students
- Title I funds may provide educational services for children who are eligible for both Title I and *On My Way Pre-K*, with *On My Way Pre-K* funds providing other services.
- Title I funds may **supplement or expand existing** early learning programs, including State-funded preschool (*i.e., On My Way Pre-K*), Child Care, and community-based early learning programs for children who are also eligible for Title I services.
- *On My Way Pre-K* funding is considered “last dollar in”
 - Example, if Title I pays for first half of day, the *On My Way Pre-K* funding could pay for second half.
- LEAs must show that the *On My Way Pre-K* funding is supplemental to the Title I funds.

May an LEA use Title I funds to expand or enhance other existing public preschool programs?

USED Non-regulatory Guidance – G-5

- Yes. Consistent with ESEA section 1112(b)(1)(K), an LEA may use Title I funds to support existing preschool programs, such as Head Start or other comparable publicly funded preschool programs.
- *However*, if Title I funds are used to expand or enhance an existing public preschool program, that program is then considered to be a Title I program, and all Title I requirements apply,

including State Education Agency (SEA) and LEA oversight of the program and the requirements with respect to eligible children.

Would there be any issue of supplanting when On My Way Pre-K Pilot funding ends and we seek to use Title I funds to fully fund Pre-K again?

No, if the LEA can do the following, there would not be an issue of supplanting:

- Show the program cannot continue without Title I support.
- Show the need for the program.

USED Non-regulatory Guidance – Title I Fiscal Issues – Presumption of Supplanting:

<http://www.doe.in.gov/titlei/federal-guidance>

If the LEA can demonstrate that it would not have provided the services in question with non-Federal funds had the Federal Title I funds not been available.

For example, an LEA could provide programmatic and fiscal documents showing that the *On My Way Pre-K* funded in the previous year with state funds was eliminated in the current year because of the program ending. The LEA would need to ensure that it had contemporaneous records to confirm the funding had ended.

Possible Scenarios of using On My Way Pre-K Pilot Funding with Title I Funds:

- Providing *On My Way Pre-K* funding in non-Title schools
- Braiding *On My Way Pre-K* funds and Title I funds in same school
- Moving from funding with Title I to *On My Way Pre-K* funding
- Expanding number of classrooms for *On My Way Pre-K*
- Providing professional development or facility updates
- Supporting additional staff, especially support staff
- Extending the daily program for an additional amount time
- Increasing the number of days in the program
- Increasing the quality of the program
- Providing services at times *On My Way Pre-K* or *Title I* is not operating
- Enriching services through the provision of extra personnel to work with Title I-eligible children.

How will On My Way Pre-K students be listed on our Title I application for SY15/16?

- IDOE will be looking at ways in which to add this information into the application. If and when this occurs, LEAs will be notified.

Will all On My Way Pre-K students (whether served by On My Way Pre-K in our district or through Title I funding) be listed on our Title I application?

- See above. Not necessary. IDOE will be looking at ways in which to add this information into the application. If and when this occurs, LEAs will be notified.

Will we know which of our incoming Pre-K students are On My Way Pre-K students and which ones are Title I-funded Pre-K students?

- Students whose parents are using the HB 1004 Scholarship would be considered *On My Way Pre-K* students.

Would we be able to use both On My Way Pre-K funds as well as Title I funds to provide for all On My Way Pre-K teachers' salary / benefits during this term without having an issue of supplanting?

- Legislature has put a cap on funding for each student - \$6800 is the *maximum* a family may receive for a full-day, full-year program. Families and providers will receive funds for services included in the current On My Way Pre-K program.
- All fees need to be rolled into the funding - field trip fees, etc.
- The grant is specifically for the *On My Way Pre-K* program - only what is part of the program. For example, *On My Way Pre-K* is 9:00-12:30, different program is offered from 12:30-2:30. 12:30-2:30 program would not be funded from On My Way Pre-K.
- Pilot funds are the last dollar in - example, if Title I pays for first half of day, *On My Way Pre-K funds* could pay for second half. The *On My Way Pre-K* funds must supplement what the Title I program is already doing.

Could Title I funds be used for capital expenses to upgrade parts of a building to become PTQ Level 3 or 4?

There are several requirements for Paths to Quality, many of which are required for public school buildings and would not necessarily be an additional cost. Title I funds used for preschool must be reasonable, allocable, and necessary and must be in compliance with federal fiscal guidance.

In general, Title I funds may be used for the expenses below. *Any capital expenses would need to be approved by your IDOE Title I Grants Management Staff prior to beginning the project.*

Such expenses as major remodeling and renovations are the LEAs responsibility and are not allowable uses of Title I funds.

34 C.F.R. § 76.533 prohibits the use of program funds, including Title I, Part A funds, for construction "unless specifically permitted by the authorizing statute or implementing regulations for the program." No such authority exists for Title I, Part A. In interpreting this prohibition, we rely largely on the definition of "construction" used in the 1988

reauthorization of the ESEA, which contained the most recent definition of construction applicable to ESEA programs generally. That definition defines “construction” as “the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.” This broad definition includes activities commonly defined as “renovation.”

Minor building alterations are allowable:

34 C.F.R. § 77.1(c) as “minor alterations in a previously completed building,” including “the extension of utility lines, such as water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of the previously completed building.” The definition specifically excludes “building construction, structural alterations to buildings, building maintenance, or repairs.”

Rewiring to support technology is also allowable:

to the extent that the wiring is necessary to support technology otherwise allowable under Title I, Part A (see B-7) and is consistent with the definition of “minor remodeling.”